

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/12/12
---

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CHERYL O'TOOLE,

Plaintiff,

-against-

ALLIED INTERSTATE, LLC,

Defendant.  
-----X

: 12 Civ. 4942 (WHP)

: MEMORANDUM & ORDER

WILLIAM H. PAULEY III, District Judge:

Plaintiff Cheryl O'Toole filed this Fair Debt Collection Practices Act ("FDCPA") suit against Defendant Allied Interstate, LLC. (Plaintiff's Brief in Support of Petition ("Pl. Br.") at 1.) She settled for \$500 plus reasonable attorneys' fees and costs. O'Toole moves for \$2,411.50 in costs and fees based on 6.7 hours of work billed by attorneys, paralegals, and interns at Kimmel & Silverman ("K&S"). Her attorneys seek \$425 an hour for partner Craig Kimmel, \$300 an hour for senior associates Amy Bennecoff and Tara Patterson Bennecoff, an average hourly rate of \$160 for paralegals, and last but not least \$180 an hour for an intern. For the foregoing reasons, O'Toole's motion is granted in part and denied in part.

This case was resolved quickly—for only \$500—and did not involve complex factual or legal issues. Courts in this district generally approve fees of \$200-\$325 per hour in FDCPA cases and reject fee requests over that amount. Ryan v. Allied Interstate, Inc., 12 Civ. 0526 (AJP), 2012 WL 3217853, at \*5 (S.D.N.Y. Aug. 9, 2012) (finding K&S's insistence on repeatedly claiming unreasonable rates in FDCPA cases "puzzling" and "troubl[ing]"); accord

Muise v. Allied Interstate, Inc., 12 Civ. 1317 (TPG), 2012 WL 4044699, at \*1 (S.D.N.Y. Sept. 12, 2012); Reith v. Allied Interstate, Inc., 12 Civ. 4278 (PKC), 2012 WL 5458007 (S.D.N.Y. Nov 8, 2012). Recently, Magistrate Judge Peck of this Court performed a thorough and thoughtful analysis of K&S's fee application in a substantially similar action in this District. Ryan, 2012 WL 3217853 at \*6.

This Court adopts Judge Peck's analysis of hourly rates. Accordingly, the reasonable rates for attorneys' fees in this case are: \$300 per hour for Kimmel; \$225 for Patterson and Benecoff; and \$100 for Ryan and Fitti. As for the intern, there is no evidence that K&S even paid that individual for the single hour she expended on this matter. K&S's attempt to collect a fee for any effort by an intern is beyond the pale.


As a concession to the mortality of judges, the law does not require a line-item review of fee applications. Campbell v. Mark Hotel Sponsor, LLC, 09 Civ. 9644 (WHP), 2012 WL 4360011, at \*2 (S.D.N.Y. Sept. 13, 2012); United States ex rel. Miller v. Bill Harbert Int'l Constr., Inc., 601 F. Supp. 2d 45, 50 (D.D.C. 2009). And fee applications that include administrative tasks performed by an attorney should be reduced. Ryan, 2012 WL 3217853 at \*6 (citing E.S. v. Katonah-Lewisboro Sch. Dist., 796 F. Supp. 2d 421, 431-32 (S.D.N.Y. 2011)). Some of K&S's billing entries are unreasonable on their face. Other billing entries are administrative, repetitive, and vague. Accordingly, this Court exercises its informed discretion and reduces K&S's attorneys' fee request from \$2,061.50 to \$800.

O'Toole also moves to recover \$350 in costs for filing her Complaint. (Pl. Br. at 2.) These costs are taxable under Rule 54(d)(1) and are therefore reasonable. Fed. R. Civ. P. 54(d)(1); 28 U.S.C. § 1920.

For the foregoing reasons, O'Toole's motion for attorneys' fees and costs is granted in part and denied in part. O'Toole is awarded \$1150 in attorneys' fees and costs. The Clerk of the Court is directed to terminate the motion pending at ECF No. 12.

Dated: December 12, 2012  
New York, New York

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.

*Counsel of Record:*

Craig Thor Kimmel  
Kimmel & Silverman  
30 E. Butler Avenue  
Ambler, PA 19002  
*Counsel for Plaintiff*

Casey Devin Laffey  
Reed Smith (NYC)  
599 Lexington Avenue  
New York, NY 10022  
*Counsel for Defendant*